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SERVICE DATE - DECEMBER 22, 2000

**SURFACE TRANSPORTATION BOARD**

WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**DOCKET NO. AB-406 (Sub No. 13X)**

**Central Kansas Railway, Incorporated - Abandonment Exemption - In Reno, Kingman,  
Harper, Rice, and McPherson Counties, KS**

**BACKGROUND**

In the above entitled proceeding, Central Kansas Railway, Incorporated (CKR) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment and discontinuance of service over the following three rail line segments: (1) the H&S Branch between milepost 3.6 at Hutchinson, KS and milepost 31.1 at Kingman, KS; (2) the H&S Branch between milepost 48.2 at Rago, KS and milepost 59.7 at Harper, KS; and (3) the McPherson Branch between milepost 58.0 at Conway, KS and milepost 77.4 at Lyons, KS. In total, CKR proposes to abandon approximately 58.4 miles of rail line (Lines). A Map depicting the Lines in relationship to the areas served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to CKR, there has been no local or overhead service and no maintenance on the Lines for over three years. Additionally, CKR notes that, if approved, none of the Lines contain federally granted right-of-way.

The Lines proposed for abandonment are located in central and southern Kansas. CKR describes the areas traversed by the Lines as being primarily rural with access to a variety of road and highway networks. In the past, CKR trains have transported mixed commodities, with emphasis on agricultural products. CKR does not believe the rights-of-way to be suitable for alternative public uses other than as a recreational trail. However, to date, no state or local entities have expressed interest in the rights-of-way.

There are a total of 36 bridges located on the Lines rights-of-way that are 50 years old or older: 12 on the H&S Branch between Hutchinson and Kingman; 7 on the H&S Branch between Rago and Harper; and 17 on the McPherson Branch between Conway and Lyons. CKR believes that all of the bridges are of ordinary construction and have no historic

significance or value.

## **ENVIRONMENTAL REVIEW**

CKR has submitted an environmental and historic report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CKR served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding. We have also consulted with appropriate agencies and individuals to verify the railroad's environmental and historical report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment.

Comments have been received from the following agencies stating that the proposed abandonment will have no adverse impacts: U.S. Department of Agriculture, Natural Resources Conservation Service; U.S. Department of Interior, Fish and Wildlife Service; U.S. Army Corps of Engineers, Kansas City District; Kansas Department of Health - Bureau of Environmental Remediation; and the Kingman County Commissioner.

The following agencies have been contacted, however, to date, comments have not been received: U.S. Environmental Protection Agency (EPA), Region 7; Kansas State Historical Society; and the Commissioners of Harper and Reno Counties.

### **Transportation**

The Kansas Department of Transportation (KS-DOT) has stated their concern regarding track salvage activities and their potential adverse impact to at-grade crossings. KS-DOT therefore requests that CKR be required to prepare a track salvage workplan.

### **Water**

The EPA, Region 7, has not completed its review of the proposed abandonment with regard to the discharge of stormwater resulting from the disturbance of more than five acres of land.

The Kansas Department of Health and Environment, Bureau of Water (KDHE-BW) states that track abandonment is considered a water quality impacting action and as such, is subject to the Kansas Water Quality Standards. The KDHE-BW recommends that CKR prepare a Non-point Source Pollution Control Plan and submit it to their office for approval.

## **Solid and Hazardous Waste**

Representatives of McPherson and Rice Counties (Counties) have expressed concern with regard the proper disposal of rail ties following salvage activities. The Counties state that it is common practice for the railroads to sell the ties to another entity that will remove the acceptable rail ties and leave the unacceptable rail ties scattered along the right-of way .

Representatives of Harper and Reno Counties have been contacted regarding the proposed abandonment. However, to date, no response has been received.

## **Cultural and Historic Resources**

The National Geodetic Survey (NGS) has informed SEA that a total of 95 geodetic station markers may be affected by the proposed abandonment. NGS identified the following geodetic station markers: 1) between Hutchinson and Kingman - 48 markers; 2) between Rago and Harper - 25 markers; and 3) between Conway and Lyons - 22 markers. NGS requests that it receive not less than 90 days' notification in advance of any salvage activities that may affect the marker in order to plan for their relocation.

The Kansas State Historical Society (KSHS) has been contacted regarding this proposed abandonment. However, the KSHS has not completed its review.

## **Habitat Maintenance**

The U.S. Department of Interior requests the CKR maintain the rights-of-way in a natural condition that benefits native wildlife, plants, and the public.

## **CONDITIONS**

Because many of the agencies we rely on to complete our environmental analysis have not yet completed their review, we preliminarily recommend the following conditions. A copy of the Environmental Assessment has been sent to those agencies for consideration.

1. **The U.S. Environmental Protection Agency (EPA), Region 7, has not completed its review of the proposed abandonment. Therefore, we recommend, that Central Kansas Railway, Incorporated consult with EPA Region 7 and secure all necessary permits prior to initiation of salvage or disposal activities.**
2. **If salvage operations are expected to destroy or disturb any of the 95 geodetic station markers, Cental Kansas Railway, Incorporated shall notify the U.S.**

Department of Commerce, National Geodetic Survey in not less than ninety days prior to commencement of such operations.

3. The Kansas State Historical Society (SHPO) has not completed its review of the proposed abandonment. Therefore, we recommend, that Central Kansas Railway, Incorporated consult with the SHPO prior to salvage of the rail lines to determine if the proposed abandonment is consistent with Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
4. The Kansas Department of Transportation (KS-DOT) requests that Central Kansas Railway, Incorporated (CKR) prepare a track salvage work plan. Therefore, we recommend that CKR consult with KS-DOT prior to initiation of any salvage activities regarding the preparation of a track salvage work plan.
5. The Counties of McPherson and Rice have expressed concern regarding the impact of salvage activities, specifically the proper disposal of railroad ties. Accordingly, we recommend that Central Kansas Railway, Incorporated consult with the Counties prior to initiation of any salvage activities regarding the disposal of all railroad ties.
6. The Kansas Department of Health and Environment - Bureau of Water (KDHE - BW) states that issues impacting water quality are subject to their review. Therefore, we recommend, that Central Kansas Railway, Incorporated consult with KDHE - BW and prepare a Non-point Source Pollution Control Plan prior to abandonment and secure all necessary permits prior to initiation of salvage or disposal activities.
7. The Kansas Counties of Harper and Reno (Counties) have not completed their review of the proposed abandonment. Accordingly, we recommend that Central Kansas Railway, Incorporated consult with the Counties prior to initiation of any salvage activities in order to address any concerns the Counties may have.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued

operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

### **PUBLIC USE**

If abandonment and salvage of the rail line does take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

### **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. **Please refer to Docket No. AB-406 (Sub No. 13 X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to Troy Brady at (202) 565-1554.**

Date made available to the public: December 22, 2000.

Comment due date: **January 15, 2001 (15 days).**

By the Surface Transportation Board, Elaine K. Kaiser, Chief, Section of  
Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment

Copies for the Environmental Assessment sent to above-referenced agencies for consideration.

MAP NEEDS TO BE SCANNED.